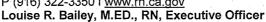


STATE AND CONSUMER SERVICES AGENCY . GOVERNOR EDMUND G. BROWN JR Board of Registered Nursing

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 I <u>www.rn.ca.gov</u>





September 18, 2012

Therese Lynn Harrison 2040 Valencia Way Clearwater, FL 33764

Dear Ms. Harrison:

Enclosed is a Decision and Order accepting the Voluntary Surrender of your California Registered Nurse License No. 588729, effective September 18, 2012.

You are required to return your current licenses/certificates and original licenses issued **October 10, 2001** to the Board. Enclosed is a self-addressed return envelope for your convenience. These documents must be returned immediately and any use of them would constitute a violation of law.

Failure to surrender upon demand your license/certificate is a violation of Section 119 (d) of the Business and Professions (B & P) Code. If the board has not received your license/certificate after 30 calendar days from the effective date of the decision (September 18, 2012), you will be subject to a citation and fine of up to \$2,500. Any use of the license/certificate is a violation of Section 2725 of the B & P Code, and subject to criminal prosecution and additional fines.

Enclosed is explanatory material on reinstatement and criteria for rehabilitation. Although your license is surrendered, you may take nursing continuing education courses if you do not use your surrendered RN license number to do so. Proof of continuing education may be beneficial as part of your rehabilitation evidence if you petition the Board for reinstatement in the future.

Sincerely,

Brent Farrand

Legal Support Analyst

Board of Registered Nursing

Encl: Copy of Board decision, Self-addressed return envelope, Form BRN 925

Cc: Leslie Burgermyer, Deputy Attorney General

BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

THERESE LYNN HARRISON a.k.a. THERESE LYNN BIELIC 2040 Valencia Way Clearwater, FL 33764

Registered Nurse License No. 588729

Respondent

Case No. 2012- 315

OAH No. 2011120420

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 18, 2012.

IT IS SO ORDERED September 18, 2012.

Raymond Mallel, President

Board of Registered Nursing

Department of Consumer Affairs

State of California

1	KAMALA D. HARRIS		
2	Attorney General of California ARTHUR D. TAGGART		
3	Supervising Deputy Attorney General LESLIE A. BURGERMYER	·	
4	Deputy Attorney General State Bar No. 117576		
5	1300 I Street, Suite 125 P.O. Box 944255		
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5337		
7	Facsimile: (916) 327-8643 Attorneys for Complainant		
8		סס יינוים	
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
10		CALIFORNIA	
.]	
11	In the Matter of the Accusation Against:	Case No. 2012-315	
12	THERESE LYNN HARRISON a.k.a. THERESE LYNN BIELIC	OAH No. 2011120420	
13	2040 Valencia Way Clearwater, FL 33764	STIPULATED SURRENDER OF LICENSE AND ORDER	
14			
15	Registered Nurse License No. 588729		
16	Respondent.		
17			
18	TO IS THE DEDIVISION A TOPE A NID. A	CDEED 1 11. days at 1	
19	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:		
20			
21	PARTIES		
22	1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Interim Executive Officer of the		
23	Board of Registered Nursing ("Board"), Department of Consumer Affairs. She brought this		
24	action solely in her official capacity and is represented in this matter by Kamala D. Harris,		
25	Attorney General of the State of California, by Leslie A. Burgermyer, Deputy Attorney General.		
26	2. Therese Harrison, also known as Therese Lynn Bielic, ("Respondent") is representing		
27.	herself in this proceeding and has chosen not to exercise her right to be represented by counsel.		
28	3. On or about October 10, 2001, the Board issued Registered Nurse License Number		
	588729 to Respondent. The Registered Nurse Li	icense was in full force and effect at all times	

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relevant to the charges brought in Accusation No. 2012-315 and will expire on May 13, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-315 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 22, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-315 is attached hereto, marked Exhibit A, and incorporated by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2012-315. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-315, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 588729 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

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RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

- 11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License Numbered 588729, issued to Respondent Therese Harrison, also known as Therese Lynn Bielic, ("Respondent") is SURRENDERED and accepted by the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

- 1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2012-315 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,872.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.
- 6. If Respondent should ever apply or re-apply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 2012-315 shall be

deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of 1 Issues or any other proceeding seeking to deny or restrict licensure. 2 Respondent shall not apply for licensure or petition for reinstatement for two (2) 3 years from the effective date of the Board of Registered Nursing's Decision and Order. 4 ACCEPTANCE 5 I have carefully read the Stipulated Surrender of License and Order. I understand the б stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated 7 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound 8 by the Decision and Order of the Board of Registered Nursing. 9 10 11 THERESE HARRISON, also known as 12 THERESE LYNN BIELIC Respondent .13 14 **ENDORSEMENT** 15 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 16 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. 17 Respectfully submitted, DATED: 18 Kamala D. Harris Attorney General of California 19 ARTHUR D. TAGGART Supervising Deputy Attorney General 20 21 22 Leslie A. Burgermyer Deputy Attorney General 23 Attorneys for Complainant 24 25 SA2011102105 / 10908519.doc 26 27 28

deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of	
Issues or any other proceeding seeking to deny or restrict licensure.	
7. Respondent shall not apply for licensure or petition for reinstatement for two (2)	
years from the effective date of the Board of Registered Nursing's Decision and Order.	
<u>ACCEPTANCE</u>	
I have carefully read the Stipulated Surrender of License and Order. I understand the	
stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated	
Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound	
by the Decision and Order of the Board of Registered Nursing.	
DATED:	
THERESE HARRISON, also known as THERESE LYNN BIELIC	
Respondent	
ENDORSEMENT	
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted	
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted	
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-30/2 Respectfully submitted,	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-3012 Respectfully submitted, KAMALA D. HARRIS Attorney General of California	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-30/2 Respectfully submitted, KAMALA D. HARRIS	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: Respectfully submitted, KAMALA D. HARRIS Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-3012 Respectfully submitted, KAMALA D. HARRIS Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General LESLIE A. BURGERMYER	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-3012 Respectfully submitted, KAMALA D. HARRIS Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General	
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for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-3012 Respectfully submitted, KAMALA D. HARRIS Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General LESLIE A. BURGERMYER Deputy Attorney General	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-3012 Respectfully submitted, KAMALA D. HARRIS Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General LESLIE A. BURGERMYER Deputy Attorney General	
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. DATED: 6-25-3013— Respectfully submitted, KAMALA D. HARRIS Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General LESLIE A. BURGERMYER Deputy Attorney General Attorneys for Complainant	

Exhibit A

Accusation No. 2012-315

1	KAMALA D. HARRIS Attorney General of California	
2	Arthur D. Taggart	
3	Supervising Deputy Attorney General Leslie A. Burgermyer	
4	Deputy Attorney General State Bar No. 117576	
5	1300 I Street, Suite 125 P.O. Box 944255	
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5337	
7	Facsimile: (916) 327-8643 Attorneys for Complainant	
8	BEFORE THE	
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against: Case No. 2012-315	
12	THERESE LYNN HARRISON A C C U S A T I O N	
13	a.k.a. THERESE LYNN BIELIC 2040 Valencia Way	
14	Clearwater, FL 33764	
15	Registered Nurse License No. 588729	
16	Respondent.	
17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
20	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),	
21	Department of Consumer Affairs.	
22	Registered Nurse License	
23	2. On or about October 10, 2001, the Board issued Registered Nurse License Number	
24	588729 to Therese Lynn Harrison ("Respondent"). The registered nurse license was in full force	
25	and effect at all times relevant to the charges brought herein and will expire on May 31, 2013,	
26	unless renewed.	
27		
28	<i>///</i>	
	1	
}		

STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct...,
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of conviction shall be conclusive evidence thereof.
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

- 8. Respondent has subjected her license to discipline pursuant to Code sections 2750 and 2761, subdivision (f), in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, or duties of a registered nurse as follows:
- a. On or about June 21, 2011, in the Superior Court, County of Marin, California, in the matter entitled *People vs. Therese Lynn Harrison aka Therese Lynn Bielic*, 2011, Case No. CR174806 A, Respondent was convicted following her plea of guilty to a violation of Vehicle Code section 23152, subdivision (b) [driving with a blood alcohol level of .08% or more], a misdemeanor. The circumstances of the crime are that on or about March 3, 2011, police were summoned to a parking lot regarding reports that Respondent was intoxicated and attempting to leave the area in her vehicle. Police arrived and Respondent was subsequently arrested. While in the police vehicle, Respondent yelled obscenities and kicked the door and window of the patrol car and was uncooperative. Respondent's blood alcohol measured .28%.

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime Involving Alcohol)

9. Respondent has subjected her license to discipline pursuant to Code sections 2750 and 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (c), in that Respondent has been convicted of a crime involving the consumption of alcoholic beverages, as more particularly set forth in paragraph 8, above.

THIRD CAUSE FOR DISCIPLINE

(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)

10. Respondent has subjected her license to discipline pursuant to Code sections 2750 and 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about March 3, 2011, Respondent used alcoholic beverages to

an extent or in a manner dangerous or injurious to herself or others, as more particularly set forth 1 in paragraph 8, above. 2 **PRAYER** 3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 4 and that following the hearing, the Board of Registered Nursing issue a decision: 5 Revoking or suspending Registered Nurse License Number 588729, issued to Therese 6 Lynn Harrison a.k.a. Therese Lynn Bielic; 7 Ordering Therese Lynn Harrison a.k.a. Therese Lynn Bielic to pay the Board of 2. 8 Registered Nursing the reasonable costs of the investigation and enforcement of this case, 9 pursuant to Business and Professions Code section 125.3; and, 10 Taking such other and further action as deemed necessary and proper. 3. 11 12 13 14 DATED: November 22, 2011 15 **Executive Officer** 16 Board of Registered Nursing Department of Consumer Affairs 17 State of California Complainant 18 19 20 21 22 23 24 25 26 27 SA2011102105 / 107776990.doc 28